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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,378	11/10/1999	ERIC SVEM HELLMAN	OIQ-001	7897

959 7590 08/27/2004

LAHIVE & COCKFIELD, LLP.  
28 STATE STREET  
BOSTON, MA 02109

EXAMINER
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WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/437,378	Applicant(s) HELLMAN ET AL.	
	Examiner Michael Y Won	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-13,15-24 and 27-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-13,15-24 and 27-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10 and 16</u> . | 6) <input type="checkbox"/> Other: _____   |

## DETAILED ACTION

### ***Protest***

1. In considering the protest, filed August 6, 2003, the protestor presented several documents, listed in PTO-1449, all of which have been considered by the examiner.

In response to the evidence that the listed inventors for this application "did not actually invent the subject matter for which they disclose and claim", namely rejection under 35 U.S.C. 102(f), which stated:

"A person shall be entitled to a patent unless –

(f) he did not himself invent the subject matter sought to be patented."

, the examiner found inconclusive evidence in the email correspondence between Mr. Hellman (applicant) and Dr. Van de Sompel (protestor). In the email correspondence Mr. Hellman discusses of three concepts the invention consists of, all of which are neither specific in detail (does not state a means of carrying out the concepts) nor suggestive that Mr. Hellman "did not himself invent the subject matter sought to be patented". The declaration of Mr. Hellman, filed June 21, 2004, is consistent with the email correspondence in that Mr. Hellman is asking Dr. Van de Sompel of including a certificate concept. Therefore, a rejection under 35 U.S.C. 102(f) would be improper based on the evidence provided.

### ***Interview Summary***

2. Although a telephonic interview was conducted on May 17, 2004 (paper attached herewith) suggesting amendments for expediting prosecution, after further and careful

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evaluation, the examiner's amendment suggested by the examiner did not overcome the limitations of the prior art(s) and therefore such amendment suggestions have been retracted. This action is in response to Amendment E (paper no.15), filed March 11, 2004

3. Claims 1, 6, 9, 17, 19, 22, and 27 have been amended, claims 25 and 26 have been cancelled, and new claims 35-38 have been added.

4. Claims 1-6, 9-13, 15-24 and 27-38 have been examined and are pending with this action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herbert Van de Sompel et al., "Reference Linking in a Hybrid Library Environment", Part 1 and Part 2, D-Lib Magazine, April 1999, Volume 5 Issue 4.

As per claim 17, Van de Sompel teaches in an electronic device, a method comprising the steps of: receiving user-supplied information regarding a user and link information regarding a hyperlink to be resolved to a resource in response to the user selecting the hyperlink (see Part 2: pg.6, last paragraph: "no links are computed until requested by the user"; page 7, 7<sup>th</sup> paragraph: "The explicit user action..."); identifying a resolution service to employ to resolve the hyperlink based on the user-supplied information (see Part 2: pg.7, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs); forwarding at least some of the link information via the user (see Part 2: pg.8, 4<sup>th</sup> paragraph: "link-sources are delivered to users" and pg.12, 1<sup>st</sup> paragraph: "The potential links are sent to the user...") to the identified resolution service for resolution of the hyperlink (see Part 2: pg.12, last sentence: "Finally, the user is redirected..."); identifying a second resolution service to employ to resolve the hyperlink and forwarding at least some of the information via the user to the second resolution service for resolution of the hyperlink where the resolution service fails to return content to the user (although Van de Sompel does not explicitly teach performing the first functionality again, such functionality, is clearly taught by Van de Sompel and the action of performing the same steps again is subjective, thus clearly not a patentable aspect of the invention); and identifying the resolution service that failed to return content to the user before the forwarding step (see Part 2: pg.14, 2<sup>nd</sup> paragraph and pg.17, conclusion: "so long as it is recognized by the user interface").

6. Claims 1, 2, 4-6, 9, 11-13, 15-20, 22, 24, and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herbert Van de Sompel et al., "Reference Linking in

a Hybrid Library Environment”, Part 1 and Part 2, D-Lib Magazine, April 1999, Volume 5 Issue 4, and further in view of Ferguson et al. (US 5819092 A).

**Independent:**

As per claims 1, and 19, Van de Sompel teaches in a network, a method, and a medium holding computer-executable steps for a method comprising the steps of: receiving a request to access information originating from a user selection (see Part 2: page 6, last paragraph: “no links are computed until requested by the user”; page 7, 2<sup>nd</sup> paragraph: “user must explicitly request links for a link-source by clicking the SFX-button”) of a controlled vocabulary abstract hyperlink (see Part 2: pg.6, last paragraph: “potential link-sources are marked with an SFX button”; and Part 1: pg.3, 2<sup>nd</sup> paragraph: “hyperlinked Web-experiences”), said controlled vocabulary abstract hyperlink including an URL (Uniform Resource Locator) address of a hyperlink redirection facility or server (see Part 2: pg.6, last paragraph to pg.7, 1<sup>st</sup> paragraph), said hyperlink redirection facility or server being an intermediary performing redirection of said request and having more than one possible target profile for each request (see Part 2: Table 1: SFX linking from-to; pg.4, 3<sup>rd</sup> paragraph: “link-source”; pg.5, 2<sup>nd</sup> paragraph: “collection of anticipated conceptual links”; and pg.7, 5<sup>th</sup> paragraph: “Since the SFX intends to serve a bundle of links to the user for each link-source”); identifying a user-supplied preference regarding which service provider to use to service the request (see Part 2: pg.7, 6<sup>th</sup> paragraph: “The explicit user action identifies records that the user considers relevant”); and directing the request from the redirection facility to a user (see Part 2: pg.8, 4<sup>th</sup> paragraph: “link-sources are delivered to users” and pg.12, 1<sup>st</sup> paragraph: “The potential

links are sent to the user...") for forwarding to a service provider for servicing the request based on the user-supplied preferences (see Part 2: pg.12, last sentence: "Finally, the user is redirected...").

Although Van de Sompel teaches of an identifier for the request (see Part 2, pg.6, last paragraph: "an identifier is hidden behind an SFX-button"), he does not explicitly teach that the controlled vocabulary abstract hyperlink includes a semantic value that is at least one of a descriptive term. Ferguson teaches of a controlled vocabulary abstract hyperlink includes a semantic value (see col.26, lines 8-24) that is at least one of a descriptive term (implicit). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Ferguson within the system of Van de Sompel by implementing a hyperlink to include a semantic value that contains at least one of a descriptive term for the requested information within the redirection method and program because Ferguson teaches that the "semantics attributes of hyperlinks provide some additional structure to online services" which is vital for overcoming some of the uncertainties of a dynamic linking system (see Van de Sompel: Part 2; pg.17, conclusion paragraph).

As per claim 6, Van de Sompel teaches in environment having a redirection facility, a method, comprising the steps of: receiving a user request to access information associated with a hyperlink at a redirection facility (see Part 2: page 6, last paragraph: "no links are computed until requested by the user"; page 7, 2<sup>nd</sup> paragraph: "user must explicitly request links for a link-source by clicking the SFX-button"); identifying a user-supplied preference regarding which service provider to use to service



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the request (see Part 2: pg.7, 6<sup>th</sup> paragraph: "The explicit user action identifies records that the user considers relevant"); directing the request from the redirection facility to a service provider for servicing the request based on the user-supplied preferences (see Part 2: pg.12, last sentence: "Finally, the user is redirected..."); identifying a second service provider to use to service the request and directing the request from the redirection facility to the second service provider to service the request when the service provider fails to fully service the request (although Van de Sompel does not explicitly teach performing the first functionality again, such functionality, is clearly taught by Van de Sompel and the action of performing the same steps again is subjective, thus clearly not a patentable aspect of the invention); and identifying the service provider that failed to fully service the request at the redirection facility before the direction of the request to the second service provider (see Part 2: pg.14, 2<sup>nd</sup> paragraph and pg.17, conclusion: "so long as it is recognized by the user interface").

Although Van de Sompel teaches of an identifier for the request (see Part 2, pg.6, last paragraph: "an identifier is hidden behind an SFX-button"), he does not explicitly teach of a semantic value associated with a hyperlink wherein the semantic value is at least one of a descriptive term. Ferguson teaches of a semantic value associated with hyperlink (see col.26, lines 8-24) wherein the semantic value is at least one of a descriptive term (implicit). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Ferguson within the system of Van de Sompel by implementing a semantic value associated with a hyperlink wherein the semantic value is at least one of a descriptive term within the

redirection method and program because Ferguson teaches that the "semantics attributes of hyperlinks provide some additional structure to online services" which is vital for overcoming some of the uncertainties of a dynamic linking system (see Van de Sompel: Part 2; pg.17, conclusion paragraph).

As per claims 9 and 22, Van de Sompel teaches in an electronic device, a method, and a medium holding computer-executable steps for a method, comprising the steps of: receiving user-supplied information regarding a user and link information regarding a controlled vocabulary abstract hyperlink to be resolved to a resource in response to the user selecting the hyperlink (see Part 2: page 6, last paragraph: "no links are computed until requested by the user"; page 7, 2<sup>nd</sup> paragraph: "user must explicitly request links for a link-source by clicking the SFX-button"), said user-supplied information received at a hyperlink redirection facility, said link information including an URL (Uniform Resource Locator) address of said hyperlink redirection facility (see Part 2: pg.6, last paragraph to pg.7, 1<sup>st</sup> paragraph), said redirection facility being an intermediary performing redirection of said request and having more than one possible target profile for each request (see Part 2: Table 1: SFX linking from-to; pg.4, 3<sup>rd</sup> paragraph: "link-source"; pg.5, 2<sup>nd</sup> paragraph: "collection of anticipated conceptual links"; and pg.7, 5<sup>th</sup> paragraph: "Since the SFX intends to serve a bundle of links to the user for each link-source"); identifying a resolution service to employ to resolve based on the user supplied information (see Part 2: pg.7, 6<sup>th</sup> paragraph: "The explicit user action identifies records that the user considers relevant"); and forwarding at least some of the information via said requesting user to the identified resolution service for

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resolution of the hyperlink (see Part 2: pg.12, last sentence: "Finally, the user is redirected...").

Although Van de Sompel teaches of an identifier for the request (see Part 2, pg.6, last paragraph: "an identifier is hidden behind an SFX-button"), he does not explicitly teach that the link information includes a semantic value that is at least one of a descriptive term. Ferguson teaches of link information that includes a semantic value (see col.26, lines 8-24) that is at least one of a descriptive term (implicit). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Ferguson within the system of Van de Sompel by implementing a link information to include a semantic value that contains at least one of a descriptive term for the requested information within the redirection method and program because Ferguson teaches that the "semantics attributes of hyperlinks provide some additional structure to online services" which is vital for overcoming some of the uncertainties of a dynamic linking system (see Van de Sompel: Part 2; pg.17, conclusion paragraph).

**Dependent:**

As per claims 2 and 20, Van de Sompel further teaches of comprising the steps of receiving a communication holding information about the user and using this information to identify the user preference (see Part 2: pg.5, 1<sup>st</sup> paragraph: "The organization of the Colli is based on the feasibility of actually creating the link at some further stage in the process... in anticipation of user's expectations... provide a certain service that is thought to be valuable for the users of the system").

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As per claim 4, Van de Sompel further teaches wherein the redirection facility has access to a database holding data regarding preferences of users and wherein the step of identifying the user preference further comprises accessing the database to access the data (see claim 2 rejection above and Part 2: pg.7, 6<sup>th</sup> paragraph: "The explicit user action...lead to a database that supports a recommendation system").

As per claims 5 and 16, Van de Sompel does not explicitly teach wherein the method further comprises the steps of: wherein the service provider fails to fully service the request, identifying a second service provider to use to service the request and directing the request from the redirection facility to the second service provider to service the request (although Van de Sompel does not explicitly teach performing the first functionality again, such functionality, is clearly taught by Van se Sompel and the action of performing the same steps again is subjective, thus clearly not a patentable aspect of the invention).

As per claims 11 and 24, Van de Sompel further teaches wherein the step of identifying the resolution service comprises accessing data regarding services available to the user and identifying the resolution service based on services available to the user (inherent: see claims rejections 2 and 4).

As per claim 12, Van de Sompel further teaches wherein the electronic device is a computer system (inherent).

As per claim 13, Van de Sompel further teaches wherein the step of identifying a resolution service comprises soliciting input from the user (see claim 9 rejection above).

As per claim 15, Van de Sompel further teaches wherein the soliciting includes soliciting for identification of subscription services to which the user subscribes (see Part 2: pg.7, 1<sup>st</sup> paragraph).

As per claim 18, Van de Sompel further teaches wherein resource includes content which is divisible into genres and wherein the hyperlink contains information regarding to which of the genres the hyperlink is to be resolved (see Part 2: pg.2, 2<sup>nd</sup> paragraph).

As per claims 35-38, Van de Sompel further teaches wherein said semantic value is an ISSN number (International Standard Serial Number) (see claim 1 rejection and Part 2: pg.9, 3<sup>rd</sup> paragraph: " ISSN number of the document described by the link-source" and "ID of the database... collections and/or ISSN numbers).

7. Claims 3, 10, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herbert Van de Sompel et al., "Reference Linking in a Hybrid Library Environment", Part 1 and Part 2, D-Lib Magazine, April 1999, Volume 5 Issue 4, and Ferguson et al. (US 5819092 A), still further in view of Van de Sompel, "Extended Services in a Hybrid Library Environment, A Presentation to the Second Workshop on Linkage from Citations to Electronic Journal Literature", June 9, 1999, Boston, MA.

As per claims 3, 10, 21, and 23, Van de Sompel and Ferguson teach all the limitations of claims 3, 10, 21, and 23, but Van de Sompel and Ferguson do not explicitly teach wherein the communication comprises a cookie. Van de Sompel (presentation) teaches wherein the communication comprises a cookie (see slide 20 of

22). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Van de Sompel within the system of Van de Sompel and Ferguson by implementing cookies within the redirection facility environment because Van de Sompel's teaching of a cookie is an improvement upon the his earlier teachings.

8. Claims 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herbert Van de Sompel et al., "Reference Linking in a Hybrid Library Environment", Part 1 and Part 2, D-Lib Magazine, April 1999, Volume 5 Issue 4, in view of Ferguson et al. (US 5819092 A) and Gerace (US 5991735 A).

**INDEPENDENT:**

As per claim 27, Van de Sompel teaches in an environment having a redirection facility for redirecting a selected request from a requestor for a given resource to a service provider, comprising: receiving the selected request at the redirection facility, said request being a user request to access information (see Part 2: page 6, last paragraph: "no links are computed until requested by the user"; page 7, 2<sup>nd</sup> paragraph: "user must explicitly request links for a link-source by clicking the SFX-button") regarding a hyperlink (see Part 2: pg.6, last paragraph: "potential link-sources are marked with an SFX button"; and Part 1: pg.3, 2<sup>nd</sup> paragraph: "hyperlinked Web-experiences"), said redirection facility being an intermediary performing redirection of said request and having more than one possible target profile having information used to resolve each request (see Part 2: Table 1: SFX linking from-to; pg.4, 3<sup>rd</sup> paragraph:

"link-source"; pg.5, 2<sup>nd</sup> paragraph: "collection of anticipated conceptual links"; and pg.7, 5<sup>th</sup> paragraph: "Since the SFX intends to serve a bundle of links to the user for each link-source"), modifying said selected request based upon a user-supplied preference; examining a criterion at the redirection facility (see Part 2: pg.5, 1<sup>st</sup> paragraph: "The organization of the Colli is based on the feasibility of actually creating the link at some further stage in the process... in anticipation of user's expectations... provide a certain service that is thought to be valuable for the users of the system" and pg.7, 6<sup>th</sup> paragraph: "The explicit user action...lead to a database that supports a recommendation system"); and directing the modified selected request from the redirection facility to said user (see Part 2: pg.8, 4<sup>th</sup> paragraph: "link-sources are delivered to users" and pg.12, 1<sup>st</sup> paragraph: "The potential links are sent to the user...") for forwarding to a service provider for servicing of the request (see Part 2: pg.12, last sentence: "Finally, the user is redirected...").

Although Van de Sompel teaches of an identifier for the request (see Part 2, pg.6, last paragraph: "an identifier is hidden behind an SFX-button"), he does not explicitly teach of a semantic value that is at least one of a descriptive term. Ferguson teaches of a semantic value (see col.26, lines 8-24) that is at least one of a descriptive term (implicit). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Ferguson within the system of Van de Sompel by implementing a hyperlink to include a semantic value that contains at least one of a descriptive term for the requested information within the redirection method and program because Ferguson teaches that the "semantics attributes of

hyperlinks provide some additional structure to online services” which is vital for overcoming some of the uncertainties of a dynamic linking system (see Van de Sompel: Part 2; pg.17, conclusion paragraph).

Van de Sompel does not explicitly teach of determining whether to present an advertisement to the requestor based on the examined criterion. Gerace teaches of determining whether to present an advertisement to the requestor based on the examined criterion (see Abstract). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to employ the teachings of Gerace within the system of Van de Sompel, by implementing advertising methods within a redirection facility, because it is well known and currently employed in the art, of advertising based on user examined criterion. Thus when sending hyperlinks based on user information for redirection, advertisement links may also be sent or attached. Such teachings are employed via the Internet (“pop-ups”) as a form of monetary revenue.

**DEPENDENT:**

As per claim 28, Van de Sompel further teaches wherein the requestor is a user of a computer system (see Part 2: page 6, last paragraph: “no links are computed until requested by the user”; page 7, 2<sup>nd</sup> paragraph: “user must explicitly request links for a link-source by clicking the SFX-button”).

As per claim 29, Van de Sompel does not teach wherein the method further comprises the step of presenting an advertisement to the requestor. Gerace teaches of presenting an advertisement to the requestor (see col.2 lines 35-37). It would have been obvious to a person of ordinary skill in the art at the time the invention was made,



to employ the teachings of Gerace within the system of Van de Sompel, by presenting an advertisement to the requestor within a redirection facility, because advertisements are a source of income and primarily for Internet businesses, advertisements help reduce or even eliminate the costs, incurred from services rendered, to the user.

As per claim 30, Van de Sompel does not teach wherein the step of presenting an advertisement comprises sending video content over a network from the redirection facility. Gerace teaches wherein the step of presenting an advertisement comprises sending video content over a network from the redirection facility (col.13 lines 23-25). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to employ the teachings of Gerace within the system of Van de Sompel, by implementing video advertisement over a network from the redirection facility, because this would allow for advertisements in the form of video data to be sent to user.

Aesthetics is not an invention.

As per claim 31, Van de Sompel does not teach wherein the step of sending video content comprises sending a web page with an advertisement from the redirection facility to the requestor. Gerace teaches wherein the step of sending video content comprises sending a web page with an advertisement from the redirection facility to the requestor (see col.11 lines 5-8 and col.17 lines 5-7). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to employ the teachings of Gerace within the system of Van de Sompel, by sending a web page along with the video content within a redirection facility, because this would explain to the user what the video content is as well as information and guidelines as to disabling the video

content or additional options the user can take. Since original transfer of data occurred from a web browser, keeping communication in the form of a web page is obvious.

As per claim 32, Van de Sompel does not teach wherein the criterion is a random criterion so that the determining is based on a random event. Gerace teaches wherein the criterion is a random criterion so that the determining is based on a random event (col.1 lines 13-29 and col.3 lines 1-10). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to employ the teachings of Gerace within the system of Van de Sompel, by implementing random criterion within a redirection facility, because this allows for determining to be based on timed increments rather than comparison of data, thus allowing the criterion to be implemented with less restriction.

As per claim 33, Van de Sompel does not teach wherein the criterion is when the requestor last received a previous advertisement from the redirection facility. Gerace teaches wherein the criterion is when the requestor last received a previous advertisement from the redirection facility (col.2 lines 43-45). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to employ the teachings of Gerace within the system of Van de Sompel, by recording the last received advertisement within the redirection facility, because this would allow for the data to be used for statistical purposes for better and more effective targeting methods (see Gerace: col.2 lines 50-60).

As per claim 34, Van de Sompel does not teach wherein the criterion is how many requests for resources from the requestor have been received at the redirection

facility. Gerace teaches wherein the criterion is how many requests for resources from the requestor have been received at the redirection facility (see col.2 lines 18-20). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to employ the teachings of Gerace within the system of Van de Sompel, by recording the amount of received requests within the redirection facility because this would allow the facility to keep track of psychographic profile of all users for future targeting (see Gerace: col.2 lines 20-22 & 38-42).

### ***Response to Remarks***

9. In response to the applicant's argument regarding claims 1 and 19, the arguments have been considered but are moot in view of the new ground(s) of rejection.

In response to the applicant's argument regarding claim 6, the arguments have been considered but are moot in view of the new ground(s) of rejection.

In response to the applicant's argument regarding claims 9 and 22, the arguments have been considered but are moot in view of the new ground(s) of rejection.

In response to the applicant's argument regarding claim 7, the arguments have been considered but are moot in view of the new ground(s) of rejection.

In response to the applicant's argument regarding claim 27, the arguments have been considered but are moot in view of the new ground(s) of rejection.

Therefore, the arguments regarding the dependent claims are also moot in view of the new ground(s) of rejection.

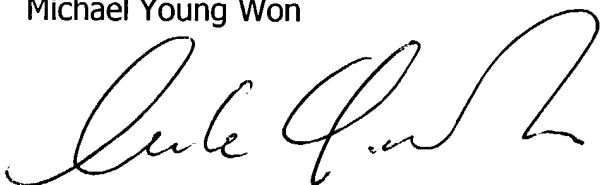
***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 6AM-3PM.

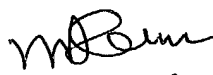
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Michael Young Won



August 25, 2004

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER